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Paper 77  
19 December 2007

UNITED STATES PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS AND INTERFERENCES

Patent Interference No. 105,433

ZYMOGENETICS, INC.  
(6,528,050),  
Junior Party,

v.

LUDWIG INSTITUTE FOR CANCER RESEARCH  
and Licentia Ltd.  
(09/852,209),  
Senior Party.

Before: LEE, TORCZON, and MEDLEY, *Administrative Patent Judges*.

**TORCZON**, *Administrative Patent Judge*.

JUDGMENT  
Bd.R. 127(b)(4)  
Requested

Senior parties Ludwig Institute for Cancer Research and Licentia Ltd. (LICR) have filed a notice abandoning the contest. Such a notice is construed as a request for adverse judgment. Bd.R. 127(b)(4). The request is GRANTED. Accordingly, it is—

ORDERED that judgment be entered against senior party LICR for count 2, the sole count (Paper 49 at 3);

FURTHER ORDERED that claims 36, 46-49, 59, and 60 of LICR's involved 09/852,209 application be FINALLY REFUSED, 35 U.S.C. 135(a); and

FURTHER ORDERED that a copy of this judgment be entered in the administrative records of the involved patent and application.

cc:

Steven W. Parmelee and Michael T. Rosato, TOWNSEND AND TOWNSEND AND CREW, LLP, of San Francisco, California, for ZymoGenetics, Inc.

Joseph D. Evans, Michael H. Jacobs, and Thomas H. Haas, CROWELL & MORING LLP, of Washington, D.C., for Ludwig Institute for Cancer Research and Licentia Ltd.

**Dyar, Leneetha**

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**From:** Dyar, Leneetha on behalf of Interference Trial Section  
**Sent:** Wednesday, December 19, 2007 5:06 PM  
**To:** 'jdevans@crowell.com'; 'thaas@crowell.com'; 'mjacobs@crowell.com'; 'swp@townsend.com'; 'mtr@townsend.com'  
**Subject:** Interference 105,433 (RT), Paper No. 77, Judgment Bd.R. 127(b)(4) Requested  
**Attachments:** 105433 077.pdf